

REMARKS

Claims 1, 3, 16, 21, 22, 30, 36, and 70-72 are amended. Claims 2, 5, 8, 11-13, 25-28, 41 and 43-66 are canceled. The subject matter of claim 2 is incorporated into independent claim 1. Claims 1, 3, 4, 6, 7, 9, 10, 14-24, 29-40, 42 and 67-72 are pending in the present application. Applicant notes with appreciation the Examiner's allowance of claims 39, 40 and 42. Applicant further notes with appreciation the Examiner's acknowledgment that claims 3, 6, 7, 9, 10, 14-16 and 30 contain allowable subject matter.

Claims 1, 3, 4, 6, 7, 9, 10, 14-24, 29-38 and 67-72 stand objected to based on informalities. Claims 1, 3, 16, 21, 30, 36 and 70-72 have been amended to correct the informalities. In light of these amendments, Applicant respectfully requests withdrawal of the objection.

Applicant notes the Examiner's advice regarding claims 4, 6 and 7 and the potential objection upon allowance of claim 1 upon which they depend. Applicant submits that claims 4, 6, 7 recite a limitation that is substantially different in scope from the limitations of claim 1. For example, claim 1 recites, *inter alia*, "said first material layer is located above said surface of said substrate, at least over said pinned photodiode and comprises a material selected from the group consisting of aluminum oxide, aluminum nitride, and aluminum silicate," which provides a selection of materials, whereas claim 4 recites "said first layer is aluminum oxide," which limits the device to a specific material. The same reasoning applies to claims 67-72.

Claims 22-24 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 22 and 23 have been amended to overcome any unclarity.

Claims 1 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,803,581 ("Prince"). Applicant respectfully traverses this rejection.

Claim 1, as amended, recites a pixel cell comprising, *inter alia*, "a pinned photodiode in said substrate, said pinned photodiode including a first conductivity area below a surface of said substrate and a second conductivity area at least between said first conductivity area and said substrate surface" Claim 1 further recites "a first material layer having an excess charge sufficient to create an electric field that affects said second conductivity area, wherein said first material layer is located above said surface of said substrate, at least over said pinned photodiode and comprises a material selected from the group consisting of aluminum oxide, aluminum nitride, and aluminum silicates silicate, *wherein said photosensor is a pinned photodiode.*"

Prince does not teach or suggest all the limitations of claim 1. As acknowledged on page 5 of the Office Action, Prince is silent on the photosensor being a pinned photodiode. Since Prince does not teach or suggest all the limitations of claim 1, claim 1 and claim 4 depending therefrom are patentable over the reference. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 1 and 4 be withdrawn.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: September 7, 2006

Respectfully submitted,

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